

Senate Bill No. 799

CHAPTER 858

An act to add and repeal Section 1473.5 of the Penal Code, relating to battered women's syndrome.

[Approved by Governor October 12, 2001. Filed
with Secretary of State October 13, 2001.]

LEGISLATIVE COUNSEL'S DIGEST

SB 799, Karnette. Battered women's syndrome: writ of habeas corpus.

Existing law specifies circumstances under which a writ of habeas corpus may be prosecuted to inquire into the cause of a person's imprisonment.

This bill would include within those circumstances the fact that evidence relating to battered women's syndrome, based on abuse committed on the perpetrator of a homicide by the victim of the homicide, was not introduced at trial, and, had it been introduced, there is a reasonable probability that the result of the proceedings would have been different. The bill would specify that provisions authorizing a court to take certain actions, including ordering a new trial or reversing a conviction, would apply to these provisions. This bill would also provide that it is grounds for denial of a petition if a petitioner filed a petition prior to the effective date of these provisions and a court determined on the merits that the omission of evidence relating to battered woman's syndrome at trial was not prejudicial and did not entitle the petitioner to habeas relief. The bill would also specify that its provisions are limited to murder convictions resulting from pleas entered, or trials commenced, before January 1, 1992, and would be repealed as of January 1, 2005.

The people of the State of California do enact as follows:

SECTION 1. Section 1473.5 is added to the Penal Code, to read:

1473.5. (a) A writ of habeas corpus also may be prosecuted on the basis that evidence relating to battered women's syndrome, within the meaning of Section 1107 of the Evidence Code, based on abuse committed on the perpetrator of a homicide by the victim of that homicide, was not introduced at the trial relating to the prisoner's incarceration, and is of such substance that, had it been introduced, there is a reasonable probability, sufficient to undermine confidence in the

judgment of conviction, that the result of the proceedings would have been different. Sections 1260 to 1262, inclusive, apply to the prosecution of a writ of habeas corpus pursuant to this section.

(b) This section is limited to judgments of conviction for a violation of Section 187 resulting from a plea entered, or a trial commenced, before January 1, 1992.

(c) If a petitioner for habeas corpus under this section filed a petition for writ of habeas corpus prior to the effective date of this section, it is grounds for denial of the new petition if a court determined on the merits in the prior petition that the omission of evidence relating to battered woman's syndrome at trial was not prejudicial and did not entitle the petitioner to the writ of habeas corpus.

(d) This section shall remain in effect only until January 1, 2005, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2005, deletes or extends that date.

